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Paper No. 5

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555 13th Street, NW
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Washington, DC 20004

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JUL 19 2001

In re Application of	:	OFFICE OF PETITIONS
Cushing, Bulajic, D'Souza, and Kramer	:	A/C PATENTS
Application No.: 09/699,503	:	DECISION ACCORDING
Filed: October 31, 2000	:	STATUS UNDER
Attorney Docket No: 2566-106	:	RULE 47(a)
For: SYSTEM AND METHOD FOR EXECUTING	:	
STRATEGY SECURITY TRADING	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed May 16, 2001.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

A "Notice to File Missing Parts of Non-Provisional Application" ("Notice") was mailed to petitioner on January 17, 2001, indicating that petitioner did not file a proper oath or declaration in compliance with 37 CFR 1.63. The Notice also advised petitioner that a \$130.00 surcharge was also due because a proper oath or declaration was not timely filed. The Notice set forth a period of reply of two months from the mailing date of the Notice.

In response to the Notice, petitioner filed on January 25, 2001, a petition under 37 CFR 1.47(a) along with a declaration, and other supporting documents. The January 25, 2001, petition was dismissed by a decision mailed March 16, 2001. The decision indicated that petitioner did not prove that the entire application papers were mailed to the non-signing inventor and that petitioner did not provide adequate evidence of the alleged oral refusal of the non-signing inventor to review the application and sign the declaration. The decision also advised that the declaration submitted was not proper because it lacked the mailing address and citizenship of the non-signing inventor.

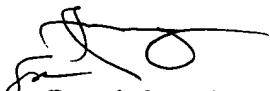
Petitioner filed the instant renewed petition on May 16, 2001, and provided the declarations of Mr. David C. Cushing and Saul Sarrett, Esq. in which Mr. Cushing and Mr. Sarrett attested to the fact that the entire application papers were sent to the non-signing inventor and that non-signing inventor advised Mr. Cushing that he was declining to execute the declaration. Petitioner also filed a supplemental Application Data Sheet, pursuant to 37 CFR 1.67(a)(3)(4) and 37 CFR 1.76, correcting the deficiency present in the declaration originally filed.

Petitioner has shown that the non-signing inventor has refused to join the filing of the above-identified application after having been presented with the application papers, and the above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to Kenya A. McLaughlin, Petitions Attorney, at (703) 305-0010.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



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JUL 19 2001

**OFFICE OF PETITIONS
A/C PATENTS**

In re Application of
Cushing, Bulajic, D'Souza, and Kramer
Application No. 09/699,503
Filed: October 31, 2000
For: System and Method for Executing
Stratefy Security Trading

LETTER

Dear Mr. D'Souza:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (703) 305-0010. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).


Beverly M. Flanagan
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